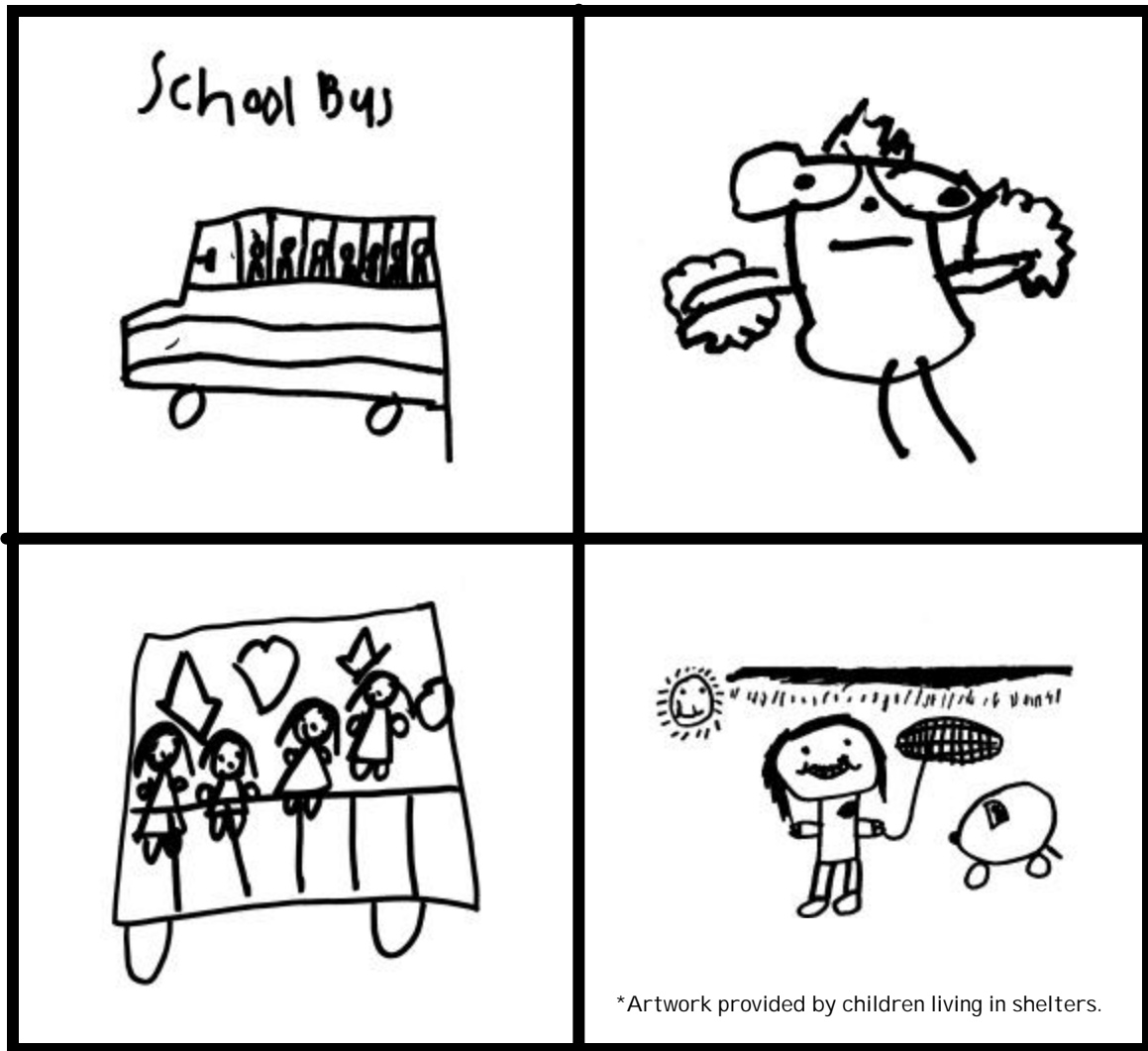


Keeping Kids in School:



The Educational Rights of Homeless Children

The McKinney Act Says...



...HOMELESS CHILDREN NEED TO BE IN SCHOOL



...HOMELESS CHILDREN ARE ENTITLED TO AN EDUCATION

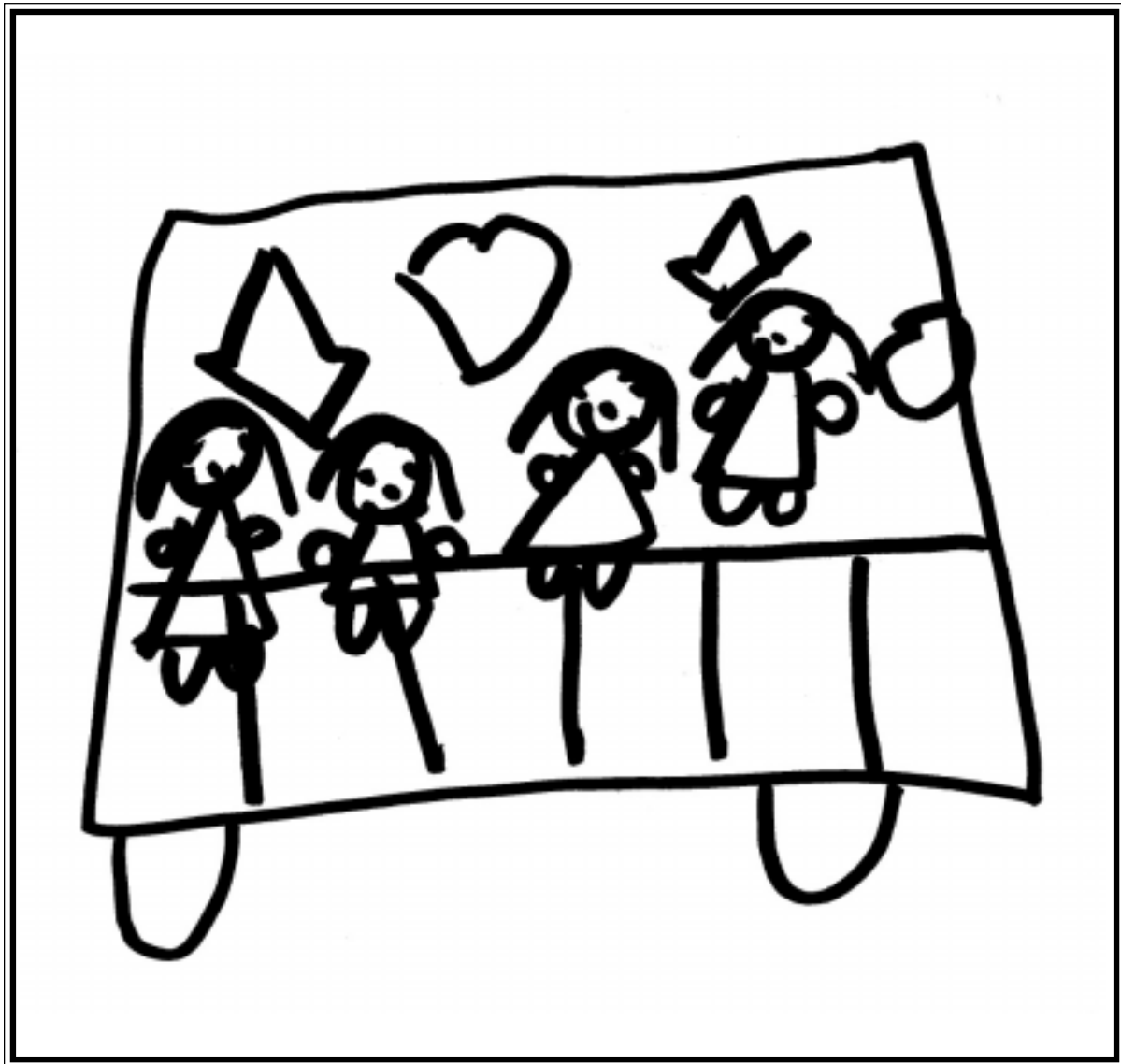


...HOMELESS CHILDREN HAVE EDUCATIONAL RIGHTS



...EVERY EFFORT SHOULD BE MADE TO PROVIDE
FOR THE CONTINUITY OF HOMELESS
CHILDREN'S EDUCATION!!

"I'm really good at spelling. My teacher told me."



Charisse, Age 7

This book is designed to assist parents, caregivers, school district personnel, service providers, and anyone concerned with the education of Missouri's children. It is a guide to navigate homeless children through the educational system. Based on both Missouri law and the McKinney Act, the federal law that guarantees education to homeless children, this book explains the steps necessary to ensure homeless children receive the education to which they are legally entitled.



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 Building Blocks Expansion Program
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ACKNOWLEDGEMENTS

This book was created by an interdisciplinary team from the St. Louis metropolitan area dedicated to empowering homeless families and the professionals who assist them. Special thanks to the children who contributed artwork to this publication. Other contributors include:



The Salvation Army Building Blocks Expansion Program

The Salvation Army Building Blocks Expansion Program (B.B.E.) was founded on the belief that a quality education is a major component in breaking the cycle of homelessness and poverty. The B.B.E. staff help children experiencing homelessness to succeed developmentally and academically. B.B.E.'s core components are assessment, intervention, and advocacy. Assessment services focus on the identification of children's abilities and performance levels and the design of educational plans to enhance their progress. Intervention services focus on screening children, educating parents, and providing referrals to resources. Advocacy services focus on empowering parents to work cooperatively with their children's schools and on providing support to school personnel who serve children experiencing homelessness.

The Salvation Army Building Blocks Expansion Program is funded in part by a Supportive Housing Program Grant from the U.S. Department of Housing and Urban Development.



Legal Services of Eastern Missouri, Inc.

Legal Services of Eastern Missouri, Inc. (LSEM) is a private, non-profit organization whose mission is to provide equal access to justice for low income individuals and families with civil legal needs. LSEM provides high quality legal assistance in the areas of family law, domestic violence, housing juvenile law, employment, consumer affairs, and problems specific to the elderly and persons with HIV/AIDS. The organization has been

providing legal services to the low-income community in Eastern Missouri for more than 40 years and currently serves residents in 21 counties.



The Missouri Department of Elementary and Secondary Education

The Missouri Department of Elementary and Secondary Education is primarily a service agency that works with local school officials, state agencies, local agencies, business leaders, and citizens to maintain a strong public education system. Through statewide school-improvement initiative action and its regulatory functions, the Department strives to assure that all citizens have access to high quality education opportunities and services.



Missouri Division of Family Services Children's Services Unit St. Louis County

The Division of Family Services is a public child welfare agency with a mission to provide services to families, children, and individuals in achieving their optimum level of health, safety, and independence. The Children's Services Unit provides mandated child protection services through investigation of child abuse/neglect hotline reports, alternative care/adoption placement and supervision, and family treatment/preservation services. Clientele consist of children and families who enter the system through the Child Abuse/Neglect Hotline, many of whom come under the jurisdiction of the Family Court.



Additional thanks to Mid-Town Printing Company for their assistance with this publication.

Michael, Age 7



"Friends are at school."

EDUCATIONAL FACTS



80% of homeless children do not attend school prior to kindergarten.¹



Homeless children are four times more likely to drop out of school than their classmates.²



Homeless children are nine times more likely to repeat a grade than their peers.²



Homeless children evidence high levels of grade retention, absenteeism, and lower scores on group-administered tests.³



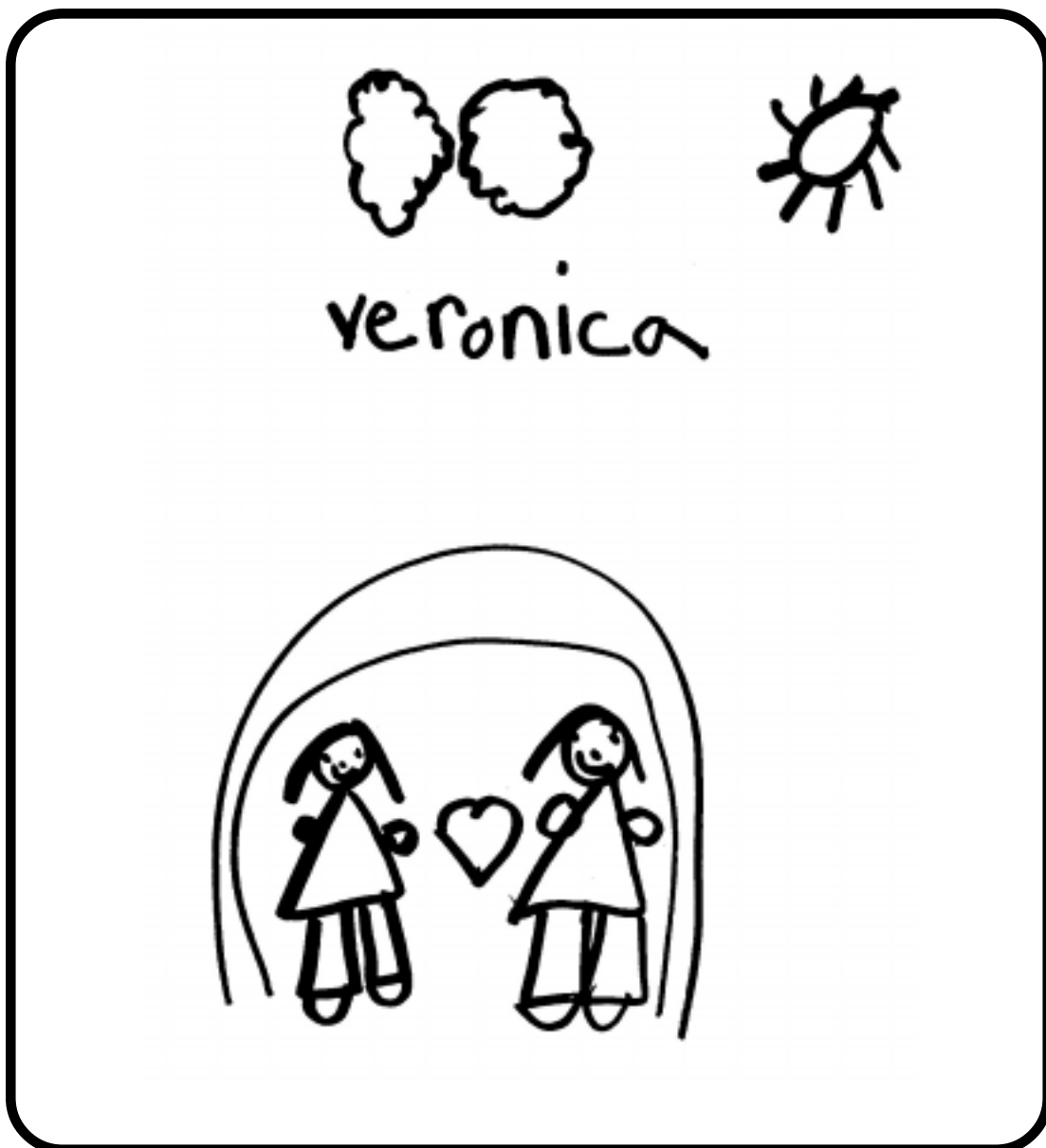
¹U.S. Department of Commerce Bureau of Census (1991). *Current Population Reports--School Enrollment: Social and Economic Characteristics of Students*. Washington, DC: Government Printing Office.

²New York City Board of Education, Statistics and Data Department (1992).

³Masten, A.S., et al. (1997). *Educational Risks for Children Experiencing Homelessness*. *Journal of School Psychology*, 35(1), 27-46.

"I can't wait 'til computer time, music,
and gym. I like my teacher, too.
She's nice and gives us stuff."

Veronica, Age 8





THE MCKINNEY ACT IMPACTS HOMELESS CHILDREN

All children under twenty-one years of age are entitled to a free, public education. **This includes homeless children.**

The McKinney Act¹, a federal law, guarantees homeless children an education equal to that which they would receive if they were not homeless.

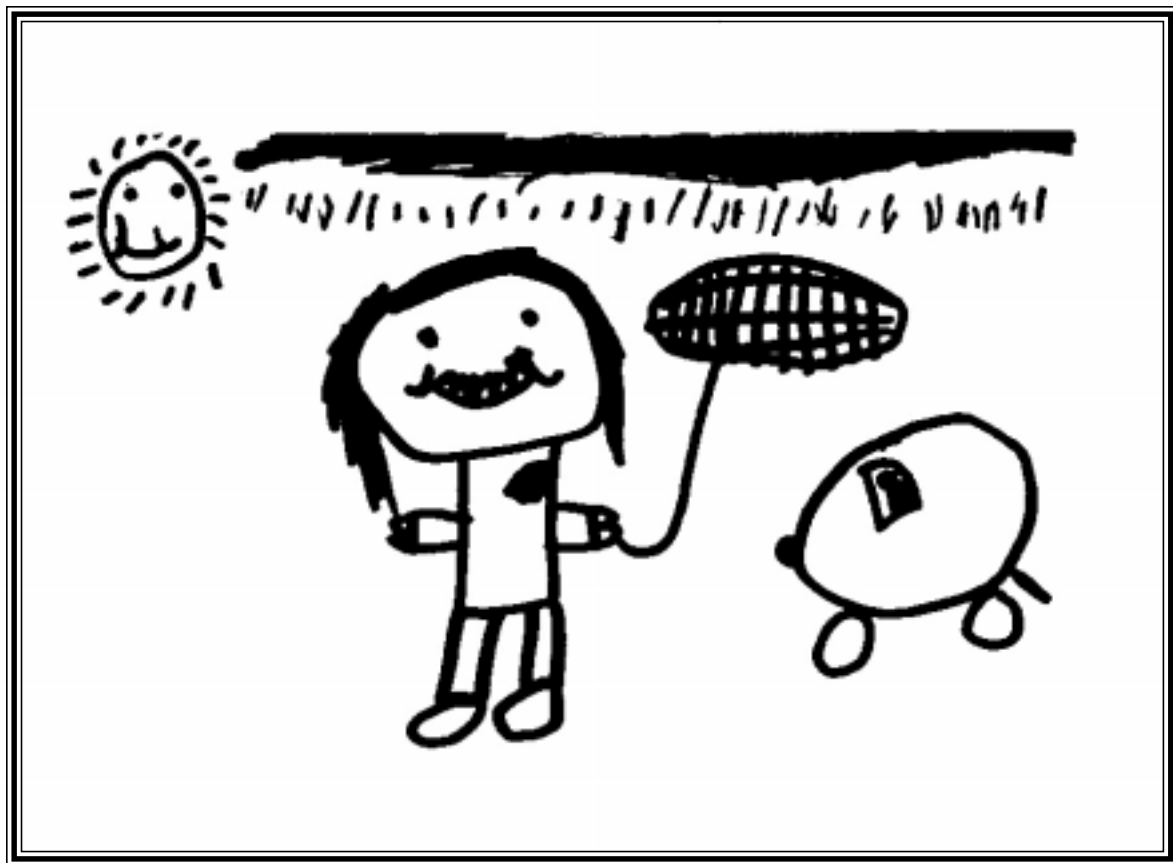
Frequently, homeless students are denied an education because of a misinterpretation of school enrollment requirements. For instance...

-  The Safe Schools Act² states that children, "must be enrolled in the district where his parent or guardian resides." **ONCE A CHILD IS IDENTIFIED AS HOMELESS, THIS NO LONGER APPLIES UNDER THE MCKINNEY ACT.**
-  The signature of a parent or guardian is required to enroll a homeless child in school. **ONCE A CHILD IS IDENTIFIED AS HOMELESS, THE SIGNATURE OF A PARENT OR GUARDIAN IS NOT REQUIRED UNDER THE MCKINNEY ACT.**

¹The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. Section 11301, et seq.)

²The Safe School's Act (RSMo. Section 167.020 et seq.)

"I like playing outside on the swings...
basketball and soccer,too. And my
teacher is nice."



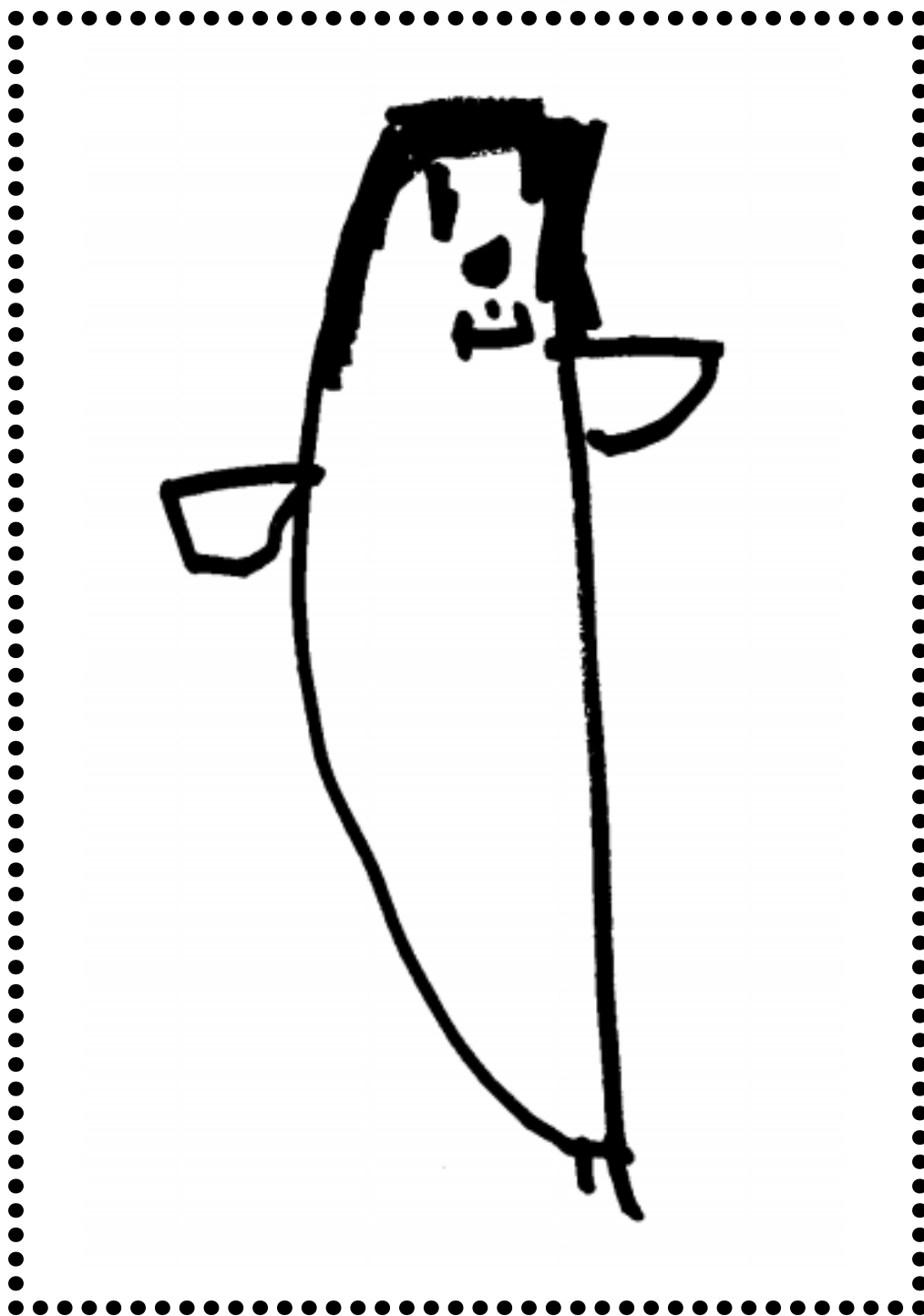
Anthony, Age 6

THE SCHOOL DISTRICT HOMELESS COORDINATOR

The School District Homeless Coordinator plays a vital role in providing education to homeless children. Each school district has a homeless coordinator who is designated to implement the McKinney Act. The coordinator is a link between the family, schools, and service providers. His/her responsibilities are to ensure that:

- 🚌 homeless children enroll and succeed in school;
- 🚌 homeless families and children receive education services for which they are eligible, including Head Start, Even Start, and preschool programs administered by the Local Educational Agency;
- 🚌 referrals are made to health and dental services, mental health services, and other appropriate services;
- 🚌 records of homeless children are transferred in a timely manner;
- 🚌 homeless children are not isolated or stigmatized because of their homelessness; and
- 🚌 disputes regarding the placement or education of homeless children are resolved in a timely manner.

To identify a district's homeless coordinator, contact the school district administration office listed in Appendix A.











"This is my friend. We play together and eat."

K'Quiana, Age 5

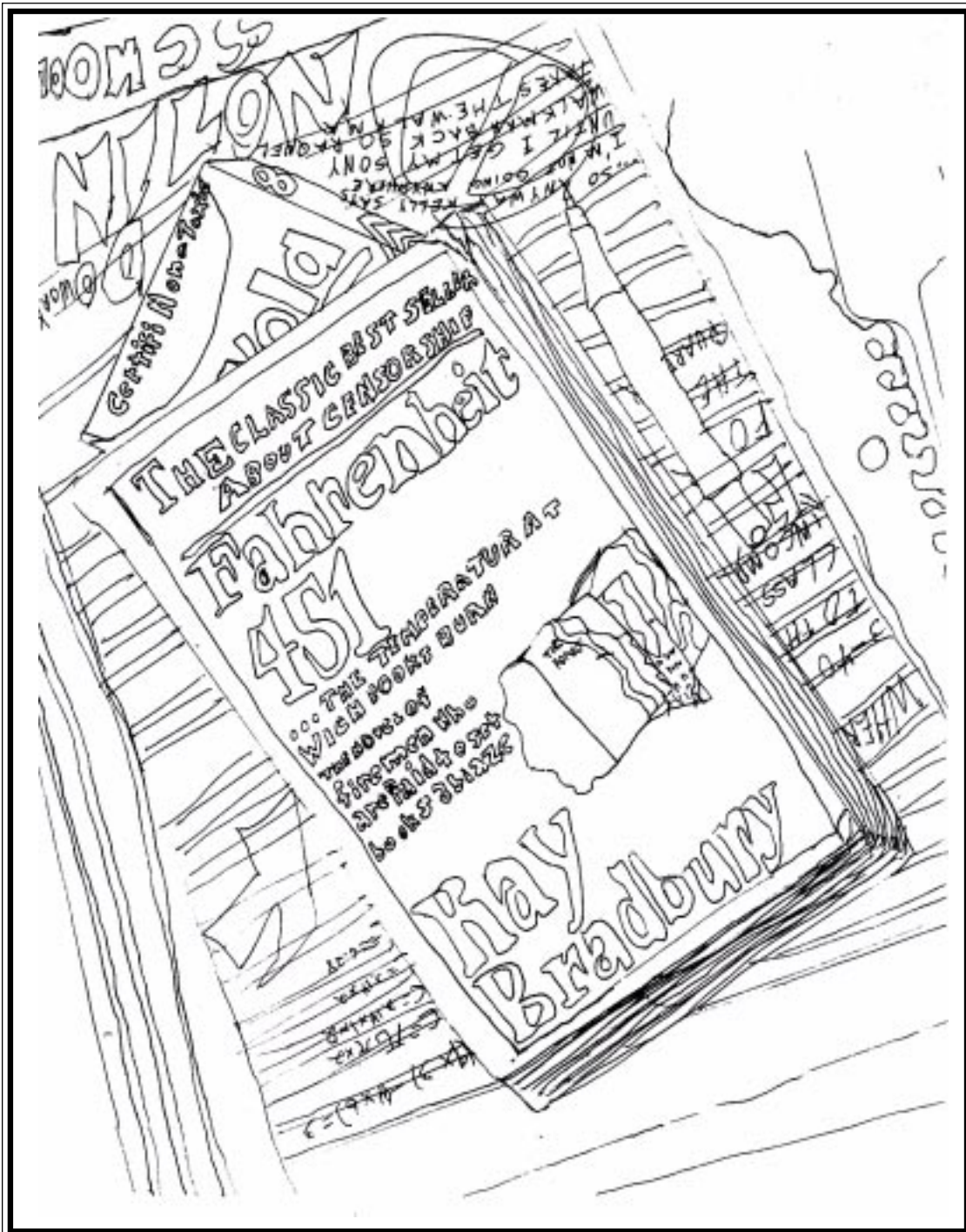
IDENTIFYING HOMELESS CHILDREN

The McKinney Act says children under twenty-one years of age are homeless if they lack fixed regular and adequate nighttime residences. This includes children who are:

-  living on the streets, in cars, on campgrounds, in abandoned buildings, or in other forms of shelter not designed as a permanent home;
-  living in community shelter facilities;
-  living in transitional housing for less than one year;
-  forced to “double-up” due to the family’s lack of permanent housing;
-  temporarily living with someone other than their parent(s) or legal guardian(s);
-  abandoned;
-  told to leave by their parents; and
-  runaways.

"I got this book at school. And I really like math because I get done first."

Mychal, Age 12



SCHOOL OF BEST INTEREST

The McKinney Act states that once a child has been identified as homeless, residency requirements do not apply. The law requires that a homeless child attend the school which is in his or her best interest. There are usually two choices of schools.

- 🚌 **The School of Origin:** This is the school the child attended when permanently housed, or the school in which the child was last enrolled.

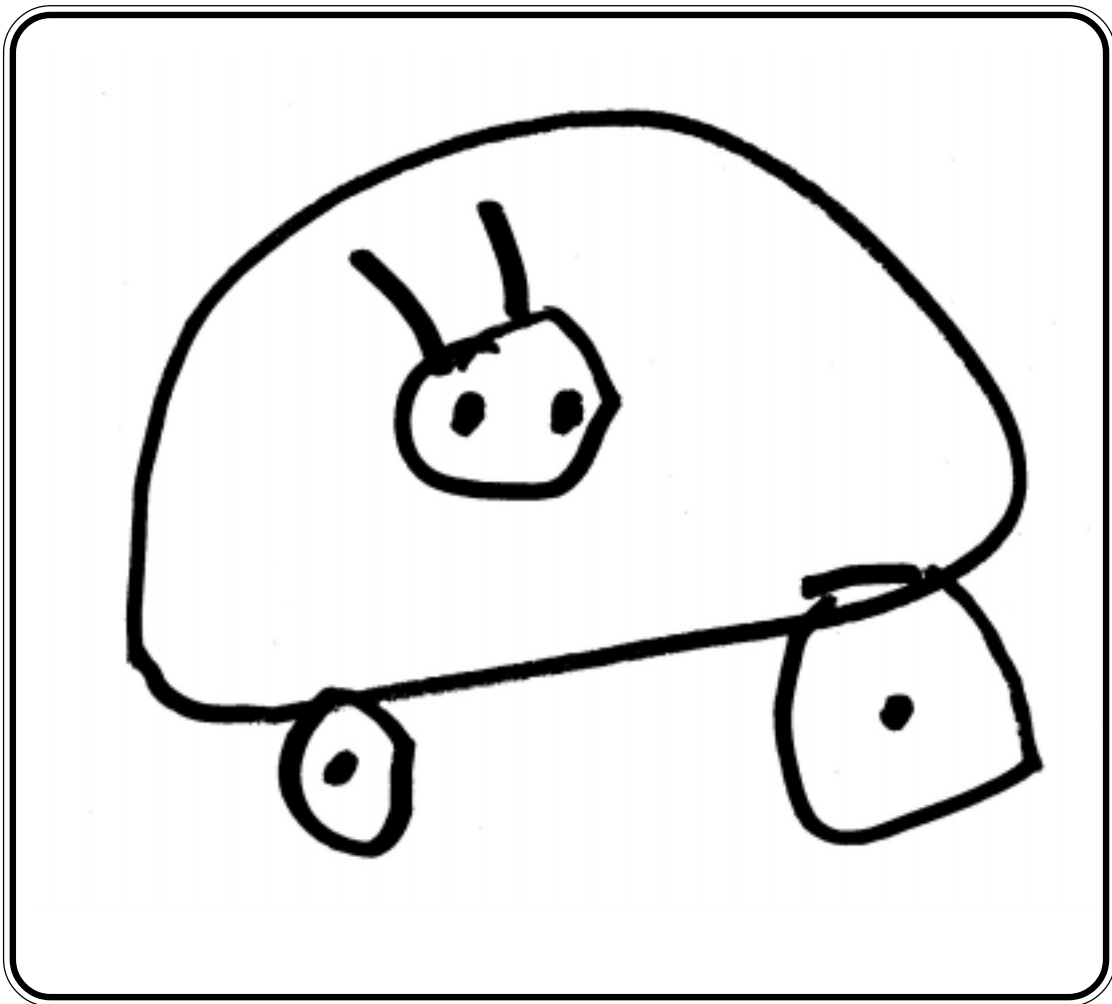
- 🚌 **The School of Residency:** Residency requirements do not apply when a child is identified as homeless. Homeless coordinators, however, will consider the "school of residency" in determining the school of best interest. The school of residency, for the purpose of determining best interest only, is in the district where the child is currently physically dwelling. Excluding a minor child from school unless the child has a parent or guardian living in the district violates the equal protection and due process clauses of the United States Constitution.¹

Enrollment should take place immediately. The Department of Elementary and Secondary Education² advises enrolling homeless children in a school **AS SOON AS POSSIBLE**. In addition, the McKinney Act says a homeless child must be enrolled during the determination of the child's school of best interest.

¹Horton v. Marshall, 769 F. 2d 1323

²Missouri Department of Elementary and Secondary Education (1999). *Meeting the Educational Needs of Missouri's Homeless Children and Youth: Administrative Manual*.








"I like to draw and books. I do math everyday, and I like to see movies at school. I really liked when my school went skating. My dad really skated good."



Carlee, Age 5

DETERMINING THE SCHOOL OF BEST INTEREST

The McKinney Act says the following people may be consulted in determining the child's school of best interest:

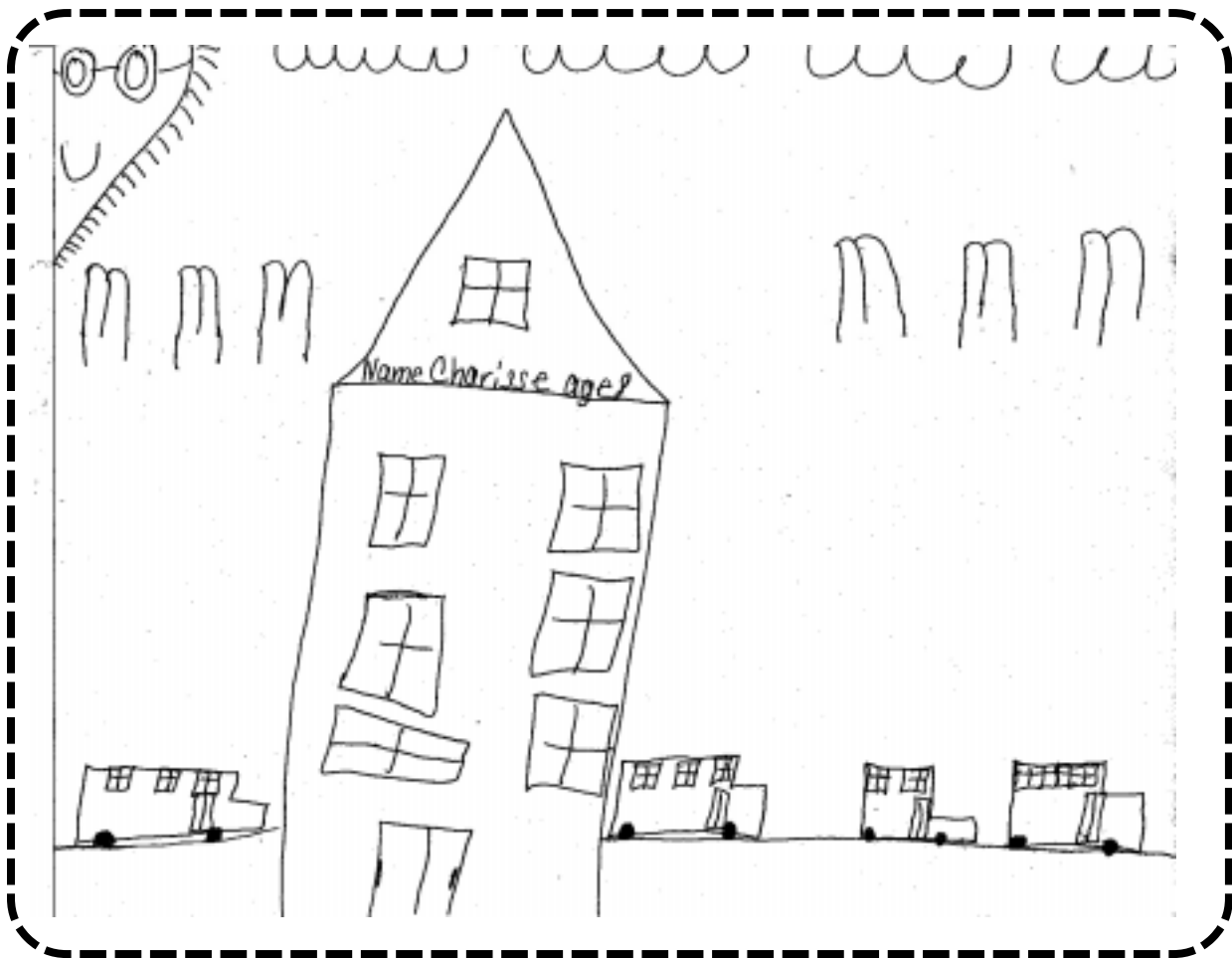
-  the homeless child,
-  the parents or caretakers of the homeless child,
-  homeless shelter personnel,
-  representatives of social service agencies,
-  school district homeless coordinators,
-  school social workers, and
-  school counselors.

It is the school district homeless coordinator's responsibility to determine the schools of origin and residency and to resolve any conflict concerning the school of best interest. Whenever possible, the homeless coordinator shall comply with the parents' desires. If the schools of residency and origin are in different districts, the coordinators from both districts must work together to determine the child's school of best interest.

The form on pages 19 and 20 can be used in deciding the school of best interest.

If the parent, or any party, disagrees with the decision, they may follow the grievance process on pages 23 through 27.

Charisse, Age 8



"There are a lot of buses!"

DETERMINING THE SCHOOL OF BEST INTEREST

Please provide the following information for the previous schools the child attended, listing the most recent school first:

Dates of Attendance	School Name/ District	Living Arrangement at Time

1. Are the school of origin and the school of residency in the same or different public district?
2. What is the child's desire concerning the school of his/her best interest?
3. What is the opinion of the parent or caregiver concerning the child's school of best interest?
4. What is the distance and length of time spent on travel from the current residence to the school of origin?
5. If transportation is not currently available back to the school of origin, can it be arranged?
6. What time of year is it? Is it near the end of the school year? Is it in the summer?

Form continued on next page.

7. How long did the child attend the school of origin? Was it long enough to establish meaningful social and educational relationships?
8. Are there specified people in the school of origin that have been providing support or assistance to the homeless family or child?
9. Are there special programs such as gifted, bilingual, or remedial education in which the child has been participating at the school of origin? Are the programs available at other appropriate schools?
10. Based on the knowledge of the family situation, how long is it likely that the family will remain at the current residence?
11. What is the likelihood that the family of the homeless child will once again establish residency in the attendance area of the school of origin?

ENROLLING HOMELESS CHILDREN IN SCHOOL

The McKinney Act says that once children are identified as homeless, traditional enrollment requirements do not apply. Homeless children do NOT need the signature of a parent or guardian as specified by the Safe Schools Act!

The McKinney Act says homeless children must be enrolled as soon as possible during and following the determination of the school of best interest.

Schools can require the following documents to proceed with enrollment:

- 🚌 Immunization Record (within 24 hours),
- 🚌 Birth Certificate (in a timely manner),
- 🚌 Completed Enrollment Form (upon enrollment), and
- 🚌 Verification of Homeless Status or Proof of Residency (upon enrollment)

IMMUNIZATION RECORD: This requirement must be satisfied within twenty-four hours of the child's enrollment. If the child has not been immunized, and a reasonable search would not produce the parents, any adult may take the child for immunization. According to the Missouri State Health Department, the city and/or county health departments are required to immunize homeless children immediately upon request without appointments to assure immediate acceptance into the public schools. It is the responsibility of the school district homeless coordinator to obtain existing records or to arrange transportation to the health department when the child has not previously been immunized and the family is without transportation. Disclosure and exchange of information pertaining to the child's immunization record is allowed without written release to those with a legitimate need to access it.

BIRTH CERTIFICATE: This must be provided within a timely manner of the child's enrollment. If a child is without a copy of his/her birth certificate, one can be obtained through the Office of Vital Records. The request can be made in person or by mail for a fee of \$10 (see Appendix B).

SCHOOL'S COMPLETED ENROLLMENT FORM: The school will provide enrollment forms that need to be completed.

VERIFICATION OF HOMELESS STATUS OR PROOF OF RESIDENCY: The McKinney Act says that homeless children lack a fixed, regular and adequate nighttime residence. This includes children living on the streets; in cars, abandoned buildings, campgrounds, shelters, or transitional housing; as well as those who were abandoned, forced to "double-up," told to leave by their parents, or who have run away. Homelessness can be verified by shelter personnel, official letters sent to the temporary address, verification by the school district homeless coordinator, and by Building Blocks Expansion Program staff or other social service professionals.

SOCIAL SECURITY CARD: Schools may request but cannot require a Social Security Card. A new copy of a Social Security Card may be obtained by calling 1-800-772-1213.

The Social Security Hotline asks a series of easy-to-understand questions in English or Spanish. An application for a new card is sent to your home (or address provided) within two weeks.



OTHER DOCUMENTATION TO CONSIDER

The enrolling school should request a copy of the child's previous report card and when appropriate his or her Individualized Education Plan (IEP) immediately.

According to the Family Education Rights and Privacy Act¹ (FERPA), homeless families can receive copies of cumulative school records from their child's current school. Upon enrollment of the homeless child, the enrolling school needs to accept these records for purposes of immediate placement. It is then the school's responsibility to verify these records.

¹P.L. 90-247, Family Educational Rights and Privacy Act of 1974

THE COMPLAINT RESOLUTION PROCESS

APPEALING DECISIONS ABOUT HOMELESS STATUS AND SCHOOL OF BEST INTEREST

The McKinney Act says that a person filing a grievance must first attempt to resolve the complaint at the local level. If the complaint is not resolved at the local level, it may be brought before the Department of Elementary and Secondary Education. It is the responsibility of the personnel in the school or district of residency to inform you of the Complaint Resolution Process.

People filing a complaint are advised to select an advocate to assist in the process. **While the complaint is being resolved, the child/ren must be enrolled in school.**

See the diagram on page 24 for an overview of how to resolve a complaint at the local level.

RESOLVING A COMPLAINT AT THE LOCAL LEVEL

Contact the School District's Homeless Coordinator.
Ask if the district has a complaint procedure.

Yes, the district has a
complaint procedure.



Follow the school
district's procedure.

No, the district does not
have a complaint procedure.



Speak to the homeless coordinator and
ask for copies of any policies that the
local school board has adopted concern-
ing the education of homeless children.



Determine if the decision causing the complaint is covered
by the school board's policy and is in line with that policy.



If the complaint still seems justified, present it in writing to the homeless coordinator.
Request that the school give you a proposed resolution or plan of action in writing within
five days of the date of your written complaint. (See sample letter on p. 27)



If the complaint is not resolved within five days, send a copy to the
superintendent and request an appointment to speak with the superintendent.



When meeting with the superintendent, ask for a written resolution within
five days. If the complaint is still not resolved within five days, notify
the local school board. Again, ask for a written resolution within five days.



If the complaint is still not resolved within five days of notifying the local board, con-
tact the Department of Elementary and Secondary Education. (See pages 25 and 26.)

WHEN THE COMPLAINT CANNOT BE RESOLVED AT THE LOCAL LEVEL

The McKinney Act states that if the complaint cannot be resolved at the local level, it may be brought to the Department of Elementary and Secondary Education. **While the issue is being resolved, the child/ren must be enrolled in a school.**

The diagram on page 26 provides an overview of how to bring a complaint to the Department of Elementary and Secondary Education.

BRINGING A COMPLAINT BEFORE THE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

First, write a letter of complaint addressed to:

State Homeless Coordinator
Discretionary Grants
P.O. Box 480
Jefferson City, MO 65102-0480

Make sure to include a description of the complaint (what happened and why you are unhappy), the names and ages of the children involved, and a description of your attempts to resolve the issue at the local level.



Within 30 days after receiving the complaint, the State Homeless Coordinator will resolve the complaint and inform you, in writing, of the decision.



If you do not agree with the decision, you have ten days to write the Deputy Commissioner of Education and state why you disagree.



Within thirty days of receiving your letter, a final decision will be made and you will be notified in writing.



If you disagree with the decision, ask for a review of the decision by the United States Secretary of Education in accordance with 34 CFR Part 299.11.

WRITING A COMPLAINT LETTER

The following sample letter will assist a complainant with writing to the School District Homeless Coordinator, Superintendent, State Homeless Coordinator, or the United States Secretary of Education.

August 29, 2000

SAMPLE LETTER

Sam Smiley
School District Homeless Coordinator
1223 School Street
St. Louis, MO 63456

RE: Ashley Thomas, 1-2-87, and Randy Thomas, 9-23-90

Dear Mr. Smiley:

I am experiencing trouble enrolling my niece and nephew in school. The children were temporarily placed in my home while their mother is seeking employment and shelter. Both children were denied admittance to school because I could not sign them in as their parent or legal guardian.

The Stewart B. McKinney Homeless Assistance Act guarantees homeless children public education equal to that which they would receive if they were not homeless. The act states that homeless children must be allowed to enroll in the school of their "best interest." Further the McKinney Act eliminates the need for traditional residency and enrollment requirements with regard to homeless children.

Ashley and Randy Thomas are clearly homeless within the scope of the McKinney Act. They lack a fixed, regular nighttime residence. Therefore, the requirement that the children be signed into school by a parent or guardian is eliminated by the act, and the children must be enrolled in school at once.

If I have not received a written resolution of this matter within five working days, I will request a meeting with the school district superintendent. Thank you for your assistance.

Sincerely,

Sally Jones
326 Resident Lane
St. Louis, MO 63456
314-555-5555



Kevin, Age 8

TRANSPORTING A HOMELESS CHILD TO THE SCHOOL OF BEST INTEREST

The McKinney Act says that the school district in which the child is physically residing is responsible for providing transportation to the school of best interest.

Reimbursement for transportation expenses is available when the district is not already receiving a homeless grant from the Department of Elementary and Secondary Education. Only public school districts can apply for transportation reimbursement funds. (See Appendix C for Transportation Reimbursement Form)

IN CONCLUSION

This handbook is intended for general informational purposes only. While it is a guide to assist school administrators and parents through the admissions process, the handbook is not a substitute for legal advice. If you have a legal question or need legal counsel, you should contact an attorney.

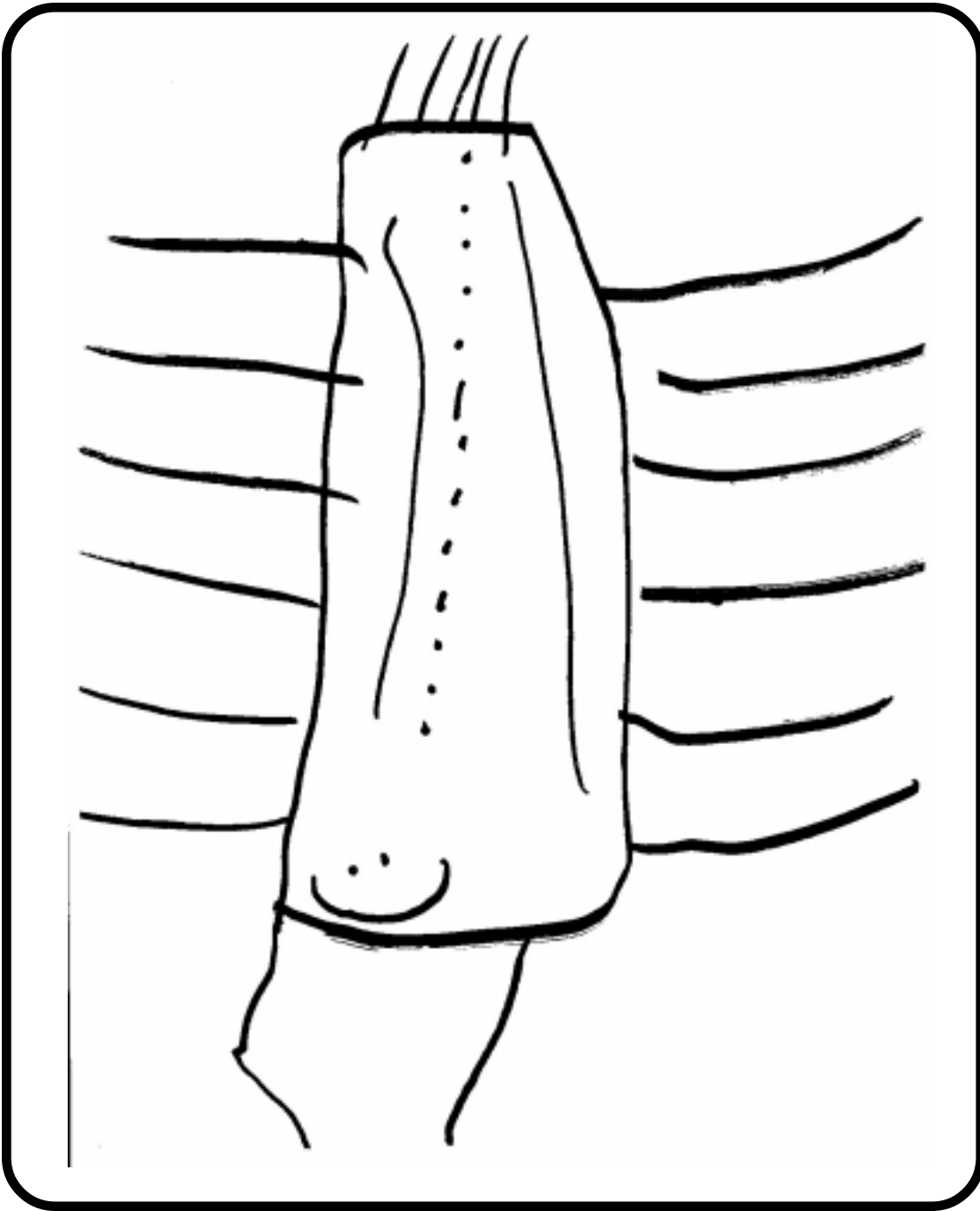


APPENDICES

"We run outside and play soccer and
do it in gym class, too."



By Joshua



"My teacher is cool, and I like parties"

Serg, Age 6

Appendix A

IMPORTANT RESOURCES

Child Abuse and Neglect Hotline

Division of Family Services
1-800-392-3787

Social Security Card

Social Security Administration
1-800-772-1213
<http://www.ssa.gov>

State Homeless Coordinator

Missouri Department of Elementary and Secondary Education
205 Jefferson Avenue
Jefferson City, MO 65109
573-522-8763

DIRECTIONS FOR COMPLETING THE EDUCATION FOR HOMELESS CHILDREN AND YOUTH TRANSPORTATION REIMBURSEMENT FORM

Reimbursement is for the excess cost of transporting homeless children and youth to the school of origin.

This form is to be completed by school districts who provide transportation services for homeless children and youth to the school of origin. (best interest) The school of best interest is to be determined by the resident district's and the school of origin district's homeless coordinators.

Complete this form on a monthly basis. Priority funding to be given to school districts that are not receiving a McKinney Homeless Children and Youth Program subgrant.

Complete the school district information as requested.

Name the children, their ages, and transportation points. Additional space located on the back.

Indicate time period for services and anticipated number of days for services. Indicate the cost per day by mode of transportation to be used.

Provide the total anticipated cost for transportation services for the homeless children and youth.

Provide the amount of state pupil transportation reimbursement the district will receive for these transportation routes. This percentage of reimbursement information can be located by contacting the district transportation coordinator, or by contacting the School Transportation Consultant at 573-751-2626.

Each route for the homeless children and youth must be added to the district's transportation report.

Provide the total amount of funds requested.

Mail or Fax the form to:

Federal Discretionary Grants
Missouri Department of Elementary and Secondary Education
PO Box 480
Jefferson City, MO 65102-0480
FAX 573-526-6698

Questions or comments, please call Discretionary Grants at 573-526-3232



FEDERAL DISCRETIONARY GRANTS SECTION
MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
PO BOX 480, JEFFERSON CITY, MO 65102-0480
EDUCATION FOR HOMELESS CHILDREN AND YOUTH TRANSPORTATION
REIMBURSEMENT CFDA #84.196A

SCHOOL DISTRICT		COUNTY/DISTRICT CODE
PERSON REQUESTING FUNDS		TITLE
TELEPHONE NUMBER	FAX NUMBER	
E-MAIL ADDRESS		
CHILD(REN) TO BE TRANSPORTED		
NAME _____ AGE _____ NAME _____ AGE _____		
LOCATION, FROM _____ TO _____ LOCATION, FROM _____ TO _____		
NAME _____ AGE _____ NAME _____ AGE _____		
LOCATION, FROM _____ TO _____ LOCATION, FROM _____ TO _____		
NAME _____ AGE _____ NAME _____ AGE _____		
LOCATION, FROM _____ TO _____ LOCATION, FROM _____ TO _____		
(ADDITIONAL SPACE PROVIDED ON THE BACK)		
TRANSPORTATION INFORMATION		
TIME PERIOD FROM: _____ TO: _____		
ANTICIPATED NUMBER OF DAYS TO BE TRANSPORTED: _____		
COST PER DAY: _____ SCHOOL BUS _____ TAXICAB _____ CITY BUS _____ OTHER _____		
TOTAL ANTICIPATED COST: \$ _____		
LESS STATE PUPIL TRANSPORTATION REIMBURSEMENT: \$ _____ (BASED ON CURRENT YEAR RATE)		
TOTAL McKINNEY HOMELESS FUNDS REQUESTED: \$ _____		
FOR DESE USE ONLY		
ACCEPTED BY	DATE	AMOUNT \$

CHILD(REN) TO BE TRANSPORTED CONTINUED

NAME _____ AGE _____

LOCATION, FROM _____ TO _____

NAME _____ AGE _____

LOCATION, FROM _____ TO _____

NAME _____ AGE _____

LOCATION, FROM _____ TO _____

NAME _____ AGE _____

LOCATION, FROM _____ TO _____

NAME _____ AGE _____

LOCATION, FROM _____ TO _____

NAME _____ AGE _____

LOCATION, FROM _____ TO _____

NAME _____ AGE _____

LOCATION, FROM _____ TO _____

NAME _____ AGE _____

LOCATION, FROM _____ TO _____

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LOCATION, FROM _____ TO _____

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NAME _____ AGE _____

LOCATION, FROM _____ TO _____

NOTES

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